

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.288 OF 2006
IN
SUIT NO.1312 OF 2005

Ms.M.S.Shetty and others Plaintiffs

versus

Anoop Vyas and others Defendants

Ms.Neha S. Bhide i/by M/s.Khaitan & Jaykar for
plaintiffs.

Mr.K.A.Sampat for defendants 4 to 6.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th June 2006

PC :

1. This Chamber Summons has been duly served on the proposed defendants. Learned counsel appearing for plaintiff undertakes to file affidavit proving service within one week from today.

2. In a suit which is filed for possession on title in respect of an immovable property more

particularly described in prayer clause (a) of the plaint, an interim relief application was moved and a reply affidavit has been filed in which second defendant has pointed out that defendants 1 to 4 and 6 as also him are not in possession of the premises. They pointed out that the premises are now placed in possession of the respondents.

3. It is after this reply that the present Chamber Summons has been moved to join the parties in possession and occupation of the suit premises as defendants to the suit and for consequential amendments.

4. In my view, no prejudice will be caused to the defendants as also the respondents, if they are joined as party defendants. If the respondents are joined as party defendants to the suit, their joinder will assist this Court to effectively resolve the controversy involved in a suit filed on title. It will also obviate multiplicity of proceedings.

5. Consequently, Chamber Summons is made absolute in terms of prayer clauses (a) and (b). Amendment to be carried out within a period of

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two weeks. Amended copy of plaint to be served four weeks thereafter. Liberty to seek ad-interim orders after reply is filed. All contentions on merits of both sides are expressly kept open.

(S.C.DHARMADHIKARI, J.)